

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MARYLAND**

EUGENE SIBLEY  
#37421-037

Petitioner

v.

WARDEN

Respondent

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Civil Action No: DKC-06-1742

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**MEMORANDUM**

Before the court is a letter from Petitioner pro se Eugene Sibley, a federal prisoner, challenging the calculation of his sentence by the Bureau of Prisons. The court will construe the letter as a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2241 and dismiss it without prejudice.

In his pleading, Petitioner questions the manner by which he has been credited for time served, and as such, challenges the execution of his sentence. Challenges to the execution of a prisoner's federal sentence are properly cognizable in a 28 U.S.C. §2241 habeas petition. *See, e.g., United States v. Miller*, 871 F.2d 488, 490 (4th Cir.1989).

Courts may grant a writ of habeas corpus "within their respective jurisdictions." 28 U.S.C. § 2241(a). This means that in a § 2241 action, the Petition must be filed in the district court of the judicial district where a petitioner is in custody. *See Braden v. 30th Judicial Circuit*, 410 U.S. 484, 495-500 (1973); *Miller*, 871 F.2d 488, 490 (4<sup>th</sup> Cir.1990). In this case, Petitioner is in the custody of the Warden at FC.I. Elkton in Lisbon, Ohio. That federal facility is located within the

jurisdiction of the United States District Court for the Northern District of Ohio .<sup>1</sup> For this reason, this case will be dismissed without prejudice to permit Petitioner to refile his claim in the appropriate court. A separate order follows.

7/14/06

Date

/s/

DEBORAH K. CHASANOW

United States District Judge

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<sup>1</sup> The address for the United States District Court for Northern District of Ohio (Cleveland) is: 801 West Superior Avenue, Cleveland, Ohio 44113. The telephone number is: (216) 357-7000.